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November 10, 2022

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007
Via ECF

Re: *United States v. McIntosh*, 11 Cr. 500 (SHS)

Dear Judge Stein:

Please accept this letter as a first application for relief consisting of the following:

- Request #* 1. An order, with government consent, continuing the sentence, currently scheduled for December 12, 2022, to the week of February 13, 2023, defense submission one month earlier and government submission one week after the defense submission; and
- Request #* 2. An order directing the Probation Department to interview defendant, accept his mitigation documents, and recommend a specific sentence.

Although the government does not object to an updated report, it does not believe it necessary since the defense will have an opportunity to present its position prior to sentence. Probation has indicated it is not its practice to reinterview and recommend in "Davis" resentences and it has not done so in a hundred cases. Since Mr. McIntosh has been in prison for about a decade since the original sentence, has changed and is developing mitigating letters and employment opportunities, the defense believes this is not simply a "Davis" resentence and Your Honor will be materially assisted by an amended report in an effort to reach a just sentence consistent with the criteria of 18 USC § 3553. Mr. McIntosh hopes Your Honor will order the amended PSR.

The application for continuance is necessary since it is not possible to comply with the current schedule. Significant letters of support have not followed Mr. McIntosh from USP Lee to the MDC and I must arrange procurement. I have just met Mr. McIntosh, who has very recently arrived in MDC and is, along with his family, gathering letters of support and employment offers

*11/10 Request #1 is granted;
request #2 is denied. Defendant
may make any relevant arguments
in its January 13 submission.
The continuance
is adjourned to
Feb 14, 2023
at 11:00 a.m.
So ordered
Sidney H. Stein
USDC*

from responsible friends and family.

If all or part of this application is agreeable, may I impose upon Your Honor to “so order” this letter and publish it via ECF. Thank you for your consideration. I remain

Respectfully,
s/GRGoltzer
George R. Goltzer

cc: All parties via ECF